

---

IN THE SENATE OF THE UNITED STATES.

---

MAY 14, 1896.—Ordered to be printed.

---

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 1109.]

The Committee on Pensions, to whom was referred the bill (H. R. 1109) granting a pension to Elizabeth Marshall, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

---

HOUSE REPORT.

Elizabeth Marshall claims as the widow of Henry L. Marshall, who enlisted September 2, 1861, in Company K, Fifty-fifth Pennsylvania Volunteer Infantry, and was discharged for disability December 24, 1862. On March 10, 1864, he enlisted in Company A, One hundred and eighty-fourth Pennsylvania Volunteer Infantry, and died October 23, 1864, at Andersonville, Ga., of scorbutus.

On June 21, 1865, the claimant filed application as widow of the soldier, and on November 16, 1865, Margaret Ann Marshall filed application, claiming as widow also. An investigation was made into the merits of the two claims, and in 1869 Elizabeth's was allowed at \$12, to date from the soldier's death. This she continued to draw until 1884.

In 1884 Margaret renewed her claim, and Elizabeth was notified that if she did not produce within sixty days some additional evidence as to the legality of her marriage her name would be dropped from the rolls. At the time the pensioner was sick in Illinois and could do nothing. Her name was accordingly dropped, and the pension granted to Margaret.

It appears that in 1852 Marshall and others were at a dance given by some one in the town in which he lived, and a mock marriage was proposed. Marshall and Margaret were willing to participate in the ceremony, and did so, but all parties were drunk, including the justice of the peace who officiated.

In 1858 the soldier married Elizabeth in due form, had four children by her, always recognized her as his wife, lived with her when at home, and sent her his pay while in the service. During all this time the parties resided in the same little town of 300 or 400 inhabitants.

Margaret died in 1889, and no pension is now being paid on account of the death of the soldier. Elizabeth is more than 60 years of age, and in destitute circumstances.

Your committee are of opinion, in view of all the facts, that Elizabeth is the legal widow of the soldier, and more especially so as the question was investigated within a short time after the transactions occurred and thus decided, and remained res judicata for fifteen years.

We therefore respectfully recommend the passage of the bill.

